

SENATE CHAMBER,
AUSTIN, TEXAS, Saturday, July 30, 1870.

Senate met pursuant to adjournment; President Don Campbell presiding. Roll call; quorum present.

Prayer by the Chaplain.

On motion of Senator Gaines the reading of the journal was dispensed with.

Senator Fountain to a question of privilege moved that a Committee of Free Conference of five be appointed on the part of the Senate to confer with like committee of the House on House bill No. 341, "An Act for the sale of the bonds of the State, etc.

Carried.

The Chair appointed Fountain, Broughton, Shannon, Hall and Ruby as the committee.

Report of Committee on Judiciary:

COMMITTEE ROOM,
Austin, July 29, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Judiciary to whom was referred House bill No. 98, entitled "An Act to extend the time for the location of certain land certificates, having carefully considered the same, beg leave to report it back with the recommendation that it do pass.

M. PRIEST,
Chairman of Committee.

On motion of Senator Mills the rules were suspended to consider the report.

Report read and adopted.

Rules suspended, bill read third time and passed.

Special message from the Governor:

EXECUTIVE OFFICE,
Austin, July 29, 1870.

To the Honorable Senate and House of Representatives of the State of Texas:

GENTLEMEN: I have the honor to inform you that the following named acts have been received by me and approved, to wit:

"An Act to provide for the registration of voters," approved July 11, 1870.

"An Act to provide for permanently locating the county seat of Robertson county," approved July 12, 1870.

"An Act to incorporate the Jewish Congregation B'nai Israel of Galveston, Texas," approved July 13, 1870.

"An Act making an appropriation for certain purposes," approved July 13, 1870.

"An Act to incorporate the Washington Fire Engine Company No. 1, of the city of Austin," approved July 19, 1870.

"An Act granting certain real estate to the city of Austin," approved July 19, 1870.

"An Act to organize the county of Presidio," approved July 19, 1870.

"An Act to incorporate the City Bank of Houston," approved July 21, 1870.

"An Act legalizing the acts of the police court of Goliad county in acting under the acts of the Legislature of 1866," approved July 22, 1870.

"An Act to prescribe the time of the annual meetings of the Legislature," approved July 22, 1870.

"An Act legalizing a special tax levied by military order," approved July 22, 1870.

"An Act authorizing district judges and district clerks to approve bonds of county officers in certain cases," approved July 22, 1870.

"An Act to organize and define the powers of the criminal district court in and for the counties of Galveston and Harris, and to prescribe the duties thereof," approved July 23, 1870.

"An Act authorizing the construction of a ship channel from Bolivar Point to the city of Houston," approved July 28, 1870.

"An Act to incorporate the Harrison County Agricultural and Mechanical Association," approved July 28, 1870.

"An Act to incorporate Pennington College," approved July 28, 1870.

"An Act to prohibit the sale or otherwise disposing of spirituous or vinous liquors within two miles of Pennington College, in Trinity county, Texas," approved July 28, 1870.

"An Act to incorporate the Texas Odd Fellows' University and Orphans' Home," approved July 28, 1870.

"An Act to authorize John J. Blankenship to erect a toll bridge over Tehuacana Creek in the county of McLennan, Texas," approved July 28, 1870.

"An Act providing for the payment of district attorneys *pro tem.*," approved July 28, 1870.

Respectfully,

EDMUND J. DAVIS,

Governor.

Report from Committee on Engrossment:

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COMMITTEE ROOM,
Austin, July —, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Engrossed Bills having examined and compared Senate bill No. 285, "incorporating the Texas Coal and Mining Company," and Senate bill No. 301, "to incorporate the Calvert Bridge Company," find the same to be correctly engrossed.

G. T. RUBY,

P. W. HALL,

E. L. DOHONEY.

Senator Priest offered the following report of Select Committee on School Bills.

COMMITTEE ROOM,
Austin, July 30, 1870.

Hon. DON CAMPBELL,

President of the Senate :

The special committee, to whom was referred the several bills pending in the Senate, in relation to public free schools, have, in connection with a similar committee appointed by the House, duly considered the subject, and the result of their consideration is as follows :

1. They considered the absolute importance of the subject, and the necessity of adopting some system in conformity with the laws of the country and the provisions of the constitution of the State.

2. They were perfectly aware of the conflicting views in relation to free schools, and the difficulty of harmonizing those views on a constitutional basis.

3. They felt constrained to avoid extreme views—mixed schools on the one hand, and separate schools on the other—by legislative enactment.

4. They concluded that, as all philanthropists and patriots desire the education of all the citizens of the State, without distinction of sex or race, color or previous condition, that our whole citizenship may be elevated, so essential to a republican government, that we might adopt a system based on a compromise of views, in order to an agreement on some system, as, that without some concession and compromise, we will adjourn and return to our constituents without redeeming our pledges on this subject, to their great disappointment. We have therefore agreed on the following basis, comprehensive and equal, yet plain, simple and economical, essential, as we think, to a successful inauguration of our system :

To insure equal benefits to all, we make each county a school dis-

trict, and authorize the district boards to divide the counties into as many sub-districts as the convenience of the people may require.

As agents to carry out this system we provided, as required by the constitution, a Superintendent of Public Instruction, allowing a salary of two thousand five hundred dollars per annum, and authorize a clerk at a salary of twelve hundred dollars.

We make the county court of each county *ex-officio* a board of school directors, and give this board power to impose taxes for the building of school houses; to make all rules and regulations necessary to the success of the system; the peace and prosperity of the schools, and to appoint a board of school trustees for each sub-district. We provide that teachers may be removed for sufficient cause, and students expelled or separated when necessary for the promotion of peace, success and harmony of the institution, so as none shall be deprived of scholastic benefits, except when expelled.

We make the district attorneys inspectors of the actions of the boards of school directors in their several districts, requiring them to report to the Superintendent.

This is briefly the system presented for the consideration of the Senate and the House, embodied in the accompanying bill, taken mostly from the bills submitted, the work of the joint committee of the two Houses, by whom I am authorized to report the same and recommend its passage.

M. PRIEST,
Chairman Select Committee.

Senator Dohoney offered the following minority report:

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: The undersigned members of the Select Committee on Education, to whom were referred certain bills for establishing a system of public free schools in the State, beg leave to submit the following report:

They say that they differ from the majority of the joint committee of five from the Senate and ten from the House, and, therefore, make this separate report. The establishment of a system of public free schools in the State of Texas is a subject of vast magnitude and importance, and one that is full of difficulties. The inauguration of such a system on a proper basis demands and requires more time and attention than this Legislature, now on the eve of adjournment, can at the present session possibly give it.

It is, therefore, the decided opinion of the undersigned members of your committee that the further consideration of this measure be

postponed until the next session of the Legislature. But if the majority of the Senate should be of opinion that some action should be had at the present session, then we report herewith the accompanying bill and recommend its passage.

E. L. DOHONEY,
E. T. BROUGHTON,
J. P. DOUGLAS.

On motion of Senator Priest the rules were suspended to consider majority and minority reports.

Reports received, and, on motion of Senator Priest, made special order for Tuesday, at 11 A. M.

Senator Douglas offered the following report of the Committee of Conference on Senate bill No. 197, "An Act prescribing the time of holding the courts in the several judicial districts."

COMMITTEE ROOM;
Austin, July, 29, 1870.

To the Honorable President of the Senate
and House of Representatives:

SIRS: Your Joint Conference Committee on Senate bill No. 197, entitled "An Act prescribing the times of holding the district courts in the several judicial districts in the State," have the honor to report the accompanying amendments and agreements as the result of the conference.

Very respectfully,

J. P. DOUGLAS,
Chairman on part of the Senate.
J. R. BURNETT,
Chairman on part of the House.

Accompanying amendments and agreements:

That the Senate refuse to concur in House amendments to sections eight and thirty, and that the House recede from its said amendments.

That the Senate refuse to concur in House amendment to section ten, and that the following substitute for said section be adopted in place of the original section, to-wit:

SECTION 10. That the district courts of the ninth judicial district shall be holden at the times hereinafter specified, to-wit:

In the county of Upshur on the first Mondays in October, February and June, and may continue in session three weeks

In the county of Wood on the fourth Mondays in October, February and June, and may continue in session three weeks.

In the county of Rains on the third Mondays in November, March and July, and may continue in session one week.

In the county of Smith, on the fourth Mondays in November, March and July, and may continue in session six weeks.

That the Senate refuse to concur in House amendment to section seventeen, and that the following substitute for said section be adopted in the place of the original section, to-wit :

SEC. 17. That the district courts for the sixteenth judicial district shall be holden at the times hereinafter specified, to-wit :

In the county of Calhoun on the first Mondays in September, January and April, and may continue in session three weeks.

In the county of Victoria on the fourth Mondays in September, January and April. and may continue in session three weeks.

In the county of Refugio on the third Mondays in October, February and May, and may continue in session one week.

In the county of San Patricio on the fourth Mondays in October, February and May, and may continue in session one week.

In the county of Nueces on the first Mondays in November, March and June, and may continue in session three weeks."

That section thirty-six (36) be numbered thirty-seven (37), and the following new section be adopted as section thirty-six (36), to-wit :

SEC. 36. That whenever any county to which, by this or any other law, a term of court may be assigned, shall be attached for judicial purposes to another county, then the time assigned for the holding of the courts in such county shall be added to the length of time provided for the county to which such first mentioned county is attached.

On motion of Senator Douglas the rules were suspended to consider the report.

Report of committee read and rejected.

Senator Ruby moved that a committee of three be appointed as a committee of free conference to confer with a like committee of the House.

Carried.

The Chair appointed Senators Parsons, Pridgen and Ruby as the committee.

• Under direction of the President the Secretary carried to the House Senate bill No. 160, "An Act amendatory of and supplementary to "An Act entitled an Act to incorporate the Young Men's Real Estate and Building Association." Approved November 6, 1866.

House bill No. 410, "An Act to create the County of Delta."

Also Senate bill No. 285, "An Act incorporating the Texas Coal and Mining Company."

Senate bill No. 301, "An Act to incorporate the Calvert Bridge Company."

BILLS AND RESOLUTIONS.

By Senator Dohoney, a bill entitled "An Act to regulate the disposal of the public lands."

Read first time and referred to Committee on Judiciary.

On motion of Senator Bowers, the rules were suspended to take up Senate bill No. 51, "An Act providing for a geological survey of the State of Texas; and on further motion was made the special order for Wednesday at 11 A. M.

By leave, Senator Saylor offered report of Committee on Public Buildings.

COMMITTEE ROOM,
Austin, July 27, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Public Buildings having examined carefully the public buildings at the capital, the property of the State of Texas, ask leave to submit the enclosed report, and to recommend the passage of the accompanying act.

W. A. SAYLOR,

Chairman of Committee on Public Buildings.

Laid over under the rules.

Report received, bill read first time, and, on motion of Senator Fountain, the rules were suspended and the bill and report of Committee on Public Buildings made special order for Wednesday, at 12 M.

Senator Cole offered the following resolution:

Resolved, That the resolution adopted by the Senate on the 29th day of June, 1870, expelling E. L. Alford, Senator from the Twenty-sixth District, be and the same is hereby rescinded, and said Alford is restored to all the rights and privileges of a member of this body the same as if said resolution had not been adopted, on his signing the disclaimer filed by other Senators who had been ordered under arrest.

Senator Fountain made the point of order that the resolution was out of order.

Point sustained, and the resolution held by the President to be out of order.

Senator Flanagan appealed from the decision of the Chair.

Yeas and nays taken:

Yeas—Mr. Baker, Ford, Fountain, Gaines, Hall, Hertzberg, Pettit, Priest, Rawson, Ruby, Saylor—11.

Nays—Bowers, Broughton, Clark, Cole, Dohoney, Douglas,

Evans, Flanagan, Latimer, Mills, Parsons, Pickett, Pridgen, Pyle, Shannon--15.

Excused from voting, Senator Bell.

The Senate refused to sustain the ruling of the Chair.

Senator Cole moved the adoption of the resolution.

Senator Bell asked to be excused from voting.

Yeas and nays demanded, and resulted as follows :

Yeas--Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Mills, Parsons, Pickett, Pridgen, Pyle, Shannon--15.

Nays--Mr. President, Ford, Fountain, Gaines, Hall, Hertzberg, Pettit, Priest, Rawson, Ruby, Saylor--11.

Absent--Senator Baker.

So the Senate excused Senator Bell from voting.

The question recurring upon the adoption of the resolution, the yeas and nays were demanded and resulted as follows :

Yeas--Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Flanagan, Latimer, Mills, Parsons, Pickett, Pridgen, Pyle, Shannon--15.

Nays--Mr. President, Baker, Ford, Fountain, Gaines, Hall, Hertzberg, Pettit, Priest, Rawson, Ruby, Saylor--12.

Excused from voting--Bell.

Resolution adopted.

Senator Flanagan moved a committee of three be appointed to inform Senator Alford of the action of the Senate.

The Chair appointed Senators Parsons, Latimer and Flanagan as said committee.

On motion of Senator Ruby the Senate adjourned.
